
Major Reports

The following is a listing of significant government reports used in connection with the preparation of this Report.

A. Executive Branch

1. Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's Weapons of Mass Destruction ("Duelfer Report") (September 30, 2004), *available at* www.cia.gov/cia/reports/iraq_wmd_2004/.

Report prepared by Charles Duelfer, head of the Iraq Survey Group, which found that Iraq's illicit weapons capability had been destroyed and research stopped many years before the United States led the invasion of Iraq in March 2003.

2. U.S. Department of Justice, *Legal Authorities Supporting the Activities of the National Security Agency Described by the President (White Paper)* (Jan. 19, 2006), *available at* <http://www.usdoj.gov/opa/whitepaperonnsalegalauthorities.pdf>.

This White Paper describes the President's legal justification for the domestic spying program arguing that the President has inherent war powers under the Constitution to order warrantless eavesdropping on U.S. citizens and that the President's inherent authority seemingly supersedes FISA in a time of war.

3. The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction ("Robb-Silberman Report") (March 31, 2005), *available at* <http://www.wmd.gov/report/>

This Report found that the "Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. This was a major intelligence failure."

4. Office of the Inspector General, U.S. Department of Justice, *THE SEPTEMBER 11 DETAINEES: A REVIEW OF THE TREATMENT OF ALIENS HELD ON IMMIGRATION CHARGES IN CONNECTION WITH THE INVESTIGATION OF THE SEPTEMBER 11 ATTACKS* (April 2003), *available at* <http://www.fas.org/irp/agency/doj/oig/detainees.pdf>.

The report found "significant problems in the way the September 11 detainees were treated. . . .the evidence indicates a pattern of physical and verbal abuse by some correctional officers . . . [and] certain conditions of confinement were unduly harsh . . ."

5. Office of Inspector General, U.S. Department of Justice, SUPPLEMENTAL REPORT ON SEPTEMBER 11 DETAINEES' ALLEGATIONS OF ABUSE AT THE METROPOLITAN DETENTION CENTER IN BROOKLYN, NEW YORK (December 2003), *available at* <http://www.usdoj.gov/oig/special/0312/final.pdf>.

The Inspector General report “found evidence that some officers slammed detainees against the wall, twisted their arms and hands in painful ways, stepped on their leg restraint chains, and punished them by keeping them restrained for long periods of time.”

6. Office of the Inspector General, U.S. Department of Justice, A REVIEW OF THE FBI'S HANDLING OF THE BRANDON MAYFIELD CASE (UNCLASSIFIED AND REDACTED) (March 2006) *available at* http://www.usdoj.gov/oig/special/s0601/PDF_list.htm.

The Report found that the FBI fingerprint examiners were reckless in their duties and “that Mayfield’s [legal] representation of a convicted terrorist and other facts developed during the field investigation, including his Muslim religion, also likely contributed to the examiners’ failure to sufficiently reconsider the identification after legitimate questions were raised.”

B. Legislative Reports

1. U.S. Senate Select Committee on Intelligence, Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq (July 2004), *available at* <http://intelligence.senate.gov/iraqreport2.pdf>

C. Government Accountability Office

1. JUSTICE DEPARTMENT: BETTER MANAGEMENT OVERSIGHT AND INTERNAL CONTROLS NEEDED TO ENSURE ACCURACY OF TERROR-RELATED STATISTICS (January 2003) *available at* <http://www.gao.gov/new.items/d03266.pdf>.

The GAO found that “DOJ does not have sufficient management oversight and internal controls in place, as required by federal internal control standards, to ensure the accuracy and reliability of its terrorism-related conviction statistics.” For example, the DOJ misclassified close to 46% of terrorism related convictions which hindered “Congress’s ability to accurately assess terrorism-related performance outcomes of the U.S. criminal justice system.”

2. HOMELAND SECURITY: JUSTICE DEPARTMENT'S PROJECT TO INTERVIEW ALIENS AFTER SEPTEMBER 11, 2001 (April 2003) *available at* <http://www.gao.gov/new.items/d03459.pdf>.

The GAO found that as of March 2003, law enforcement officers had interviewed 3,216 aliens and that “the results are difficult to measure, and DOJ has not fully analyzed all the data obtained from the interviews or how effectively the project was implemented.”

3. FREEDOM OF INFORMATION ACT: AGENCY VIEWS ON CHANGES RESULTING FROM NEW ADMINISTRATION POLICY (September 2003) *available at* <http://www.gao.gov/new.items/d03981.pdf>.

The GAO found that one third of all FOIA officers reported a decreased likelihood of their agency making a discretionary disclosure in the current Administration.

4. DATA MINING: FEDERAL EFFORTS COVER A WIDE RANGE OF USES (May 2004) *available at* <http://www.gao.gov/new.items/d04548.pdf>.

The GAO report highlights the types of and extent to which data mining occurs in the Federal Government, finding that “52 agencies are using or are planning to use data mining. These departments and agencies reported 199 data mining efforts, of which 68 are planned and 131 are operational . . . out all 199 data mining efforts identified, 122 used personal information.”

5. REVIEW OF U.S. ATTORNEY GENERAL’S TRAVEL COSTS FOR USA PATRIOT ACT TOUR AND RELATED TRAVEL (October 12, 2004) *available at* <http://www.gao.gov/new.items/d0595r.pdf>.

The GAO examined and provided “information on the locations and costs of the U.S. Attorney General’s travels known as the USA PATRIOT Act Tour, as well as the locations and costs of a series of trips in September 2003 referred to by DOJ as ‘Life and Liberty’ travel.”

D. Congressional Research Service

1. Elizabeth B. Bazan and Jennifer K. Elsea, Legislative Attorneys, *Presidential Authority to Conduct Warrantless Electronic Surveillance to Gather Foreign Intelligence Information*, Congressional Research Service Memorandum (CRS Memo) (January 5, 2006).

The CRS memo concludes that “it appears unlikely that a court would hold that Congress has expressly or impliedly authorized the NSA electronic surveillance operations here under discussion, and it would likewise appear that, to the extent that those surveillances fall within the definition of “electronic surveillance” within the meaning of FISA or

any activity regulated under Title III, Congress intended to cover the entire field with these statutes.”

2. Alfred Cumming, *Statutory Procedures Under Which Congress Is To Be Informed of U.S. Intelligence Activities, Including Covert Actions*, (Congressional Research Service Memorandum (CRS Memo) (January 18, 2006).

The CRS “memorandum examines certain existing statutory procedures that govern how the executive branch is to keep Congress informed of U.S. intelligence activities, reviews pertinent legislative history underpinning the development of those procedures, and looks at the notification process that reportedly was followed in informing certain Members of Congress of the President’s decision to authorize the National Security Agency (NSA) to collect signals intelligence within the United States.”

3. Elizabeth B. Bazan, Gina Marie Stevens, and Brian T. Yeh, *Government Access to Phone Calling Activity and Related Records: Legal Authorities*, Congressional Research Service (May 17, 2006).

This report “summarize[s] statutory authorities regarding access by the Government, for either foreign intelligence or law enforcement purposes, to information related to telephone calling patterns or practices. [It] also discuss[es] statutory prohibitions against accessing or disclosing such information, along with relevant exceptions to those prohibitions.”

4. Gina Marie Stevens and Tara Alexandra Rainson, *Data Security: Protecting the Privacy of Phone Records*, Congressional Research Service (May 17, 2006).

“This report discusses recent legislative and regulatory efforts to protect the privacy of customer telephone records, and efforts to prevent the unauthorized use, disclosure, or sale of such records by data brokers.”
Gina Marie Stevens and Tara Alexandra Rainson, *Data Security: Protecting the Privacy of Phone Records*, Congressional Research Service (May 17, 2006).

E. State Governments

1. District of Columbia, Maryland, and Virginia Advisory Committee to the U.S. Commission on Civil Rights, CIVIL RIGHTS CONCERNS IN THE METROPOLITAN WASHINGTON D.C., AREA IN THE AFTERMATH OF THE September 11, 2001, TRAGEDIES (June 2003) available at <http://www.usccr.gov/pubs/sac/dc0603/dc0603.pdf>.

The Committee report found that “To the extent that government

investigators target people based on their ethnic or religious background, these actions are at best ineffective protection against terrorism.” The report describes the rise in hate crimes following September 11 and argues that current tactics to fight terrorism “pose a threat to civil liberties.” It states that efforts should be made to “increase the U.S. public’s understanding” of the Arab, South Asian, Muslim, and Sikh communities.

2. Illinois Advisory Committee to the U.S. Commission on Civil Rights, ARAB AND MUSLIM CIVIL RIGHTS ISSUES IN THE CHICAGO METROPOLITAN AREA POST-SEPTEMBER 11 (May 2003) *available at* <http://www.usccr.gov/pubs/sac/il0503/il0503.pdf>.

The Report describes the increase in hate crimes against those perceived to be Arab or Muslim post-September 11 in the Chicago area. The report describes actions taken by local government, including the interviews of young male Arabs after September 11, which were perceived by the Arab and Muslim communities to be racial profiling. The report also found that the Arab and Muslim communities fear discrimination, and describes the consequences and concerns that arise as a result.

3. California State Senate Office of Research, THE PATRIOT ACT, OTHER POST 9/11 ENFORCEMENT POWERS AND THE IMPACT ON CALIFORNIA’S MUSLIM COMMUNITIES (March 2004), *available at* http://www.sen.ca.gov/sor/REPORTS/REPORTS_BY_SUBJ/GOVERNMENT/PATRIOT4-02.PDF.

The report reviews whether or not “the federal government, ostensibly to prevent further attacks, was targeting and harassing whole communities of largely Muslim immigrants living in the United States.” The report investigates incidents of arrest, deportation, deportation, and interrogation, including immigration sweeps, secrecy provisions for courtroom immigration proceedings, and the 2/3/2003 FBI directive to “base terrorist investigations on demographic data of Muslim communities.”

4. New York Advisory Committee to the U.S. Commission on Civil Rights, CIVIL RIGHTS IMPLICATIONS OF POST-SEPTEMBER 11 LAW ENFORCEMENT PRACTICES IN NEW YORK (March 2004) *available at* <http://www.usccr.gov/pubs/sac/ny0304/ny0304.pdf>.

The Committee found that law enforcement policies and practices have “pos[ed] a threat to civil rights and civil liberties, especially within New York’s Muslim, Arab, and South Asian communities.” The report describes the negative consequences and potential implications of the [Call-In Special Registration Program](#) and the sharing of national databases on immigration status with state and local police.